

FEB 14 2011

INSIGHT BIOTEK INC.

TO: USPTO Attn: Office of Petitions
Attn: Patricia Duffy/Alesia M. Brown
FAX#: 571-273-8300
DATE: Feb 14, 2011

FROM: Diane Van Alstyne
FAX #:
PHONE #: 250-493-3793
OF PAGES: 2 REF: —

Re: Application of Van Alstyne, et al.
Application No. 09/489,850
Filed: January 24, 2000
For: METHODS TO CLEAR MENINGITIS CAUSING AGENTS USING
ANTIBODIES TO PEPTIDES REPRESENTING EPITOPIC SITES FOR
BACTERIAL AND VIRAL MENINGITIS CAUSING AGENTS.

Renewed Petition Under 37 CFR 1.136(b)

This petition contains:

- (1) a copy of the non-final office action is enclosed.
- (2) the petition fee was received April 13, 2010
- (3) the correct statement: "The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" is submitted.
- (4) a terminal disclaimer is not required given that this application was filed post June 8, 1995 and is not a design application.

If these 4 conditions are now met, we respectfully request a reconsideration of this petition.

Diane Van Alstyne
Diane Van Alstyne

Larry R. Sharma
Larry R. Sharma

February 14, 2011
February 14, 2011

FEDEX COPY
FOLLOWS

INSIGHT BIOTEK INC

09/489,850 FEB 14 2011

ATTN: OFFICE OF PETITIONS

FEB 14/11

Office Action Summary

Application No.

09/489,850

Applicant(s)

ALSTYNE ET AL.

Examiner

Patricia A. Duffy

Art Unit

1645

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____